

Dr. Anit Singh, and Others. Vs. State of U.P. and ors.

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Court : Allahabad

Decided On : Aug-02-2010

Judge : Radha Kant Ojha; Anand Kumar Singh, Advs.

Appeal No. : WRIT - C No. - 45263 of 2010

Appellant : Dr. Anit Singh, and Others.

Respondent : State of U.P. and ors.

Advocate for Def. : Dilip Gupta, J.

Advocate for Pet/Ap. : Pankaj Naqvi; Sanjay Kumar Singh, Advs.

Judgement :

1. Eight petitioners have filed this petition for quashing the order dated 24th July, 2010 passed by the Vice-Chancellor of Dr. Bhim Rao Ambedkar University, Agra (hereinafter referred to as the 'University') declining permission to the petitioners to appear at the forthcoming MDS Examination.
2. The said MDS Course is of three years duration and the examination is to be held after the expiry of three years.
3. Sri R.K. Ojha, learned counsel appearing for the petitioners has placed before the Court the communication dated 25/27th August, 2009 sent by the Government of India, Ministry of Health and Family Welfare by which recognition has been granted for the Academic Session 2007-08 to the Rama Dental College, Hospital

& Research Centre, Kanpur for limited seats in Prosthodontics and Conservative Dentistry but the Vice-Chancellor of the University has refused to give permission to appear at the examination on the ground that the affiliation has not been extended by the State Government for the Academic Session 2007-08. It is further pointed out that the State Government had earlier granted affiliation for a period of one year to the College with effect from the Academic Session 2006-07 but the same has not been renewed. He further states that it is for the first time in the impugned order that the University has informed that the affiliation has not been extended.

4. In a matter where the matter relating to grant of affiliation was pending before the State Government, a Division Bench of this Court in Special Appeal No.292 of 2010 (Ram Dulari Bachcu Lal Jaiswal Mahavidyalaya, Nawabganj, Atrampur, Allahabad & Anr. v. State of U.P. & Ors.) Decided on 9th March, 2010 modified the judgment and order of a learned Judge of this Court by permitting the students to appear at the examination subject to the decision to be taken by the State Government.

5. Learned Standing Counsel appears for respondent nos.1 and 2, Sri Sanjay Kumar Singh appears for respondent no.3 while Sri Pankaj Naqvi appears for respondent no.4. Respondent no.5 is represented by Sri Ashok Nigam, learned Senior Counsel with Sri Ajay Bhanot. Issue notice to respondent no.6 by registered post. Steps may be taken within a week.

6. Respondents may file the counter affidavit within a period of three weeks. Rejoinder affidavit, if any, may be filed within a week thereafter.

7. Connect this petition with Writ Petition No.44899 of 2010.

8. In view of the directions dated 9th March, 2010 passed in Special Appeal No.292 of 2010, the petitioners shall be provisionally permitted to appear at the forthcoming MDS Examination in terms of the directions issued by the Government of India, Ministry of Health and Family Welfare in the communication dated 25/27th August, 2009 for the Academic Session 2007-08 but the appearance shall be subject to the decision to be taken by the State Government.

The result, however, shall not be declared till further orders of this Court.

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